

COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

MINUTES

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| Committee: | CCJJ COMMISSION |
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| Date: | Thursday, December 13, 2007 | Time: | 12:00 pm-2:00pm | Place: | Governor's Board Room East Capitol Building |
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| Members Present | Judge Judith Atherton, Dan Becker, Senator Greg Bell, Kay Cornaby, Chief Mike Larsen, Judge Elizabeth Lindsley, Dan Maldonado, Holly Martak, Lohra Miller, Sheriff Lynn Nelson, Stan Parrish, Tom Patterson, Reed Richards, Attorney General Mark Shurtleff, Greg Skordas |
| Members Excused | Commissioner Scott Duncan, Clark Harms, Representative Eric Hutchings, Gary Jorgensen, Carol Lear, Richard McKelvie, Mark Payne |
| Guests | Mike Sibbett |
| Staff | Scott Carver, Mary Lou Emerson, Reg Garff, Ron Gordon, Jennifer Hemenway, Chris Mitchell, Ben Peterson, Ned Searle, Monica Taylor, Dave Walsh, Christine Watters, Doreen Weyland, Bob Yeates, Richard Ziebarth |

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| Agenda Item: | Welcome and Approval of Minutes |
| Notes: | Stan Parrish welcomed all present and introductions were made. Motion: Dan Becker made a motion to approve the meeting minutes of October 12, 2007. The motion was seconded by Judge Elizabeth Lindsley and passed unanimously. |

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| Agenda Item: | Grant Budget Review |
| Notes: | Richard Ziebarth reported at the Commission meeting in October that he brought Sexual Exploitation of Children Prevention funding recommendations before the Commission for approval and the recommendations were denied. He said as a result of this decision they went back and reviewed program recommendations. Richard reported the Review Committee decided to cut some of the requested funding and reviewed these new recommendations with the Commission. Motion: Dan Becker made a motion to approve the Sexual Exploitation of Children Prevention budget recommendations. The motion was seconded by Sheriff Lynn Nelson and passed unanimously. |

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| Agenda Item: | RSAT Grant Funding |
| Notes: | Mary Lou Emerson reported the federal Residential Substance Abuse Treatment for State Prisoners (RSAT grant program) has been providing funding to Utah since fiscal year 1997. This money is to be used to establish substance abuse treatment programs for offenders either in state prisons or county jails. She said in FY 2006 CCJJ created an RSAT committee to review the funding and where it would be needed and most effectively utilized. It was determined at that time that the greatest need was in the county jails and the funds were awarded to the Weber and Davis county jails. Mary Lou also reported the FY 2007 and FY 2008 the funding was reduced by over 70%. In both of these years, she received approval from the Commission to bypass the competitive RFP process and just split the funding between the Weber and Davis county jails. She said this year the recommendation once again is to distribute funds to Weber and Davis county jails. The FY 2009 RSAT application is due next week and the amount Utah will receive is unknown. Mary |

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| | <p>Lou said the Department of Corrections has expressed interest in receiving this money to provide substance abuse treatment services for state inmates in county jails. Tom Patterson said if RSAT funding is more than we have received in past years Corrections would be interested in receiving a portion.</p> <p>Given Corrections' interest in the funding, and the fact that the amount of Utah's FY 2009 RSAT award is still unknown, Mary Lou suggested the application to be submitted next week not specify how the funding will be distributed except that it will be utilized to treat offenders in county jails.</p> <p>Motion: Lohra Miller made a motion that CCJJ approve submitting a generic RSAT application. The motion was seconded by Tom Patterson and passed unanimously.</p> |
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| Agenda Item: | VAWA Grants |
| Notes: | <p>Christine Watters reviewed the S.T.O.P Violence Against Women grant award recommendations for approval.</p> <p>Motion: Attorney General Mark Shurtleff made a motion to approve the S.T.O.P. Violence Against Women grant award recommendations. The motion was seconded by Holly Martak and passed unanimously.</p> |

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| Agenda Item: | Bylaws Review |
| Notes: | <p>Stan Parrish reported the CCJJ bylaws were reviewed at the annual Commission meeting in October and changes were made.</p> <p>Motion: Tom Patterson made a motion to approve the amended CCJJ bylaws. The motion was seconded by Judge Elizabeth Lindsley and passed unanimously.</p> |

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| Agenda Item: | 2008 Legislation |
| Notes: | <p>DUI – Mary Lou Emerson reported the plea in abeyance option for DUI cases is scheduled to sunset on July 1, 2008 and this is part of the reason for this bill. She explained this bill will establish a new plea of “impaired driving,” which will be a class B misdemeanor. This new plea will be used solely as a conviction reduced from a charge of DUI and is not a stand alone charge. Mary Lou said it will also calculate the ten year look back period for ignition interlock restricted drivers and alcohol restricted drivers so they will be from offense date to offense date instead of conviction to conviction.</p> <p>Henry's Law – Scott Carver reported there will be two pieces of legislation from the Senate on Henry's Law and possibly one from the House of Representatives. He said that both bills are common in what they are addressing up to the penalty phase. Both bills are talking about animal torture as opposed to cruelty or neglect. These bills also define torture and serious injury similarly. The difference is the bill sponsored by Senator Allen Christensen makes a conviction on a torture offense a third degree felony upon the second conviction and the bill sponsored by Senator Gene Davis makes the first conviction a third degree felony. Scott said the Sentencing Commission is interested in this bill because anytime you elevate a misdemeanor to a felony it has a significant impact on the prison system.</p> <p>Jessica's Law – Scott Carver reported that Jessica's Law is also a significant penalty enhancement. He said this bill is sponsored by Representative Carl Wimmer and pertains to child sex abuse laws. This is an effort supported by the Governor to bring Jessica's Law as it is commonly known throughout the United States to Utah. This bill attaches a 25 years to life sentence on a first conviction for certain child sex offenses.</p> |

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| | <p>The bill makes it a first degree felony, punishable by imprisonment of not less than 15 years and which may be for life, to engage in criminal solicitation to commit, or attempt to commit, rape of a child, object rape of a child, or sodomy on a child.</p> <p>Motion: Lohra Miller made a motion to hold a Commission meeting in January with Paul Boyden and Representative Carl Wimmer present to discuss this bill further. Tom Patterson seconded the motion. Greg Skordas made an amendment to the motion that a copy of the bill be distributed to the Commission before the January meeting. Motion passed unanimously.</p> <p>A Commission meeting was scheduled for Monday, January 14th at 11:00 a.m.</p> <p>Strangulation – Ned Searle reported strangulation is one of the strongest indicators we have of future more serious violence. The Domestic Violence Fatality Review Committee recognizes it as one of the last red flags before homicide and legislation addressing the issue is being drafted. He has been working with Scott Carver and the Sentencing Commission on creating a domestic violence matrix and realized that they needed to look at strangulation. Chris Nolton from the Attorney General’s Office helped draft language, which includes strangulation and smothering. They feel this language will be beneficial for law enforcement and prosecutors.</p> <p>Adam Walsh – Bob Yeates reported there is a drafting group together and they are working on language. They have decided in agreement with the sponsor, Representative Paul Ray and the Governor that they will try and fashion a bill, which is a good public policy and which does not necessarily comply with Adam Walsh requirements. They are not going to address the juvenile piece this session.</p> |
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| Agenda Item: | Justice Data Integration |
| Notes: | Mike Sibbett reported they were invited to present to the Executive Committee last month and after that presentation committed to meeting with Jennifer Hemenway to review the technical aspect of what this company does. They also made arrangements to meet with the Courts IT specialist, Public Safety, and Corrections. In these meetings they discussed what Digital Bridge has to offer for a full information sharing ecosystem in the criminal justice system. Staff from Digital Bridge gave a presentation on how a criminal justice information sharing system could work. |

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| Agenda Item: | DMC Coordinator |
| Notes: | Reg Garff reported CCJJ has been in the process of hiring a Disproportionate Minority Contact coordinator and hope to have someone hired by January. |

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| Agenda Item: | 2008 Commission Meeting Schedule |
| Notes: | The Commission discussed the 2008 meeting schedule and decided to continue to meet on the second Thursday every other month. A new schedule will be emailed to the Commission. |

The next Commission Meeting is scheduled for Monday, January 14, 2008 from 11:00 a.m. to 12:00 p.m., in the East Capitol Building, Board Room, #210.